

September 29, 2010

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TOWN OF NEW WINDSOR

PLANNING BOARD

SEPTEMBER 29, 2010

MEMBERS PRESENT: JERRY ARGENIO, CHAIRMAN
HENRY VAN LEEUWEN
HOWARD BROWN
DANIEL GALLAGHER
HARRY FERGUSON

ALTERNATE: HENRY SCHEIBLE

ALSO PRESENT: MARK EDSALL, P.E.
PLANNING BOARD ENGINEER

JENNIFER GALLAGHER
BUILDING INSPECTOR

NICOLE JULIAN
PLANNING BOARD SECRETARY

DOMINIC CORDISCO, ESQ.
PLANNING BOARD ATTORNEY

ABSENT: NEIL SCHLESINGER

REGULAR MEETING

MR. ARGENIO: I'd like to call to order the Town of New Windsor Planning Board meeting for September 29, 2010. Please stand for the Pledge of Allegiance.

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(Whereupon, the Pledge of Allegiance was recited.)

MR. ARGENIO: Neil is not with us tonight so I had asked Harry before the meeting to come up so we have a full board and we have a quorum.

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APPROVAL_OF_MINUTES_DATED_9/15/10

MR. ARGENIO: First item of business is the approval of the minutes dated September 15, 2010, sent out via e-mail on the 22nd of September. If anybody sees fit, I'll accept a motion we approve them as written.

MR. VAN LEEUWEN: So moved.

MR. BROWN: Second it.

ROLL CALL

MR. FERGUSON	AYE
MR. BROWN	AYE
MR. GALLAGHER	AYE
MR. VAN LEEUWEN	AYE
MR. ARGENIO	AYE

PUBLIC HEARING (CONTINUATION):

AMBER_GROVE_SENIOR_SITE_PLAN_(10-07)

MR. ARGENIO: Continuation of a public hearing for Amber Grove. Somebody here to represent this? Guys, please come on up. Insomuch as we've reviewed this a few times, what I would like to do is I'd like you folks to turn that easel towards the audience and we're going to, we tabled the public hearing last time so there's no need to reopen it, it's a continuation of the public hearing so I'd like to with no further ado jump right into that. But I'm going to say same thing I said last time I'd like to keep the comments limited to the plan and comments about things that the planning board can control and things that we can advise the applicant of and that affect the plan. And when you come up if you would be so kind as to sign in on this yellow pad that's right here. So if there's somebody that would like to be heard, please raise your hand, be recognized and we'll go from there. Mr. Steidle?

MR. STEIDLE: Bill Steidle.

MR. ARGENIO: I'd like not to rehash what we went through last week, your comments certainly were forthright and well thought out certainly Bill the floor is yours.

MR. STEIDLE: Thank you. My name is Bill Steidle, I live on Jackson Avenue. At the last meeting, I attempted to advise the board of some of the concerns and issues associated with the project and tonight I'd like to offer solutions and I'm going to do this the best way I can, as if I were, this thing were before DEC and I was in charge. So when I say I, you know, I'm not trying to usurp the board's powers. But what I think should be done is to begin by potentially telling the applicant that we want the project, we want senior housing and I incidentally qualify as a senior for this

thing, however, we want a project that's compatible with the surroundings and compatible particularly with the state historic site which is across the street and one that's compatible with the historic corridor. Now as I see it, there are two options, these options certainly are known by your attorney. The first option is for and however you want to view it is to proceed with the preparation of a Draft Environmental Impact Statement to address the issues, one of the required items in a Draft Environmental Impact Statement is discussion of alternatives as part of the required scoping, I would require the applicant to look at a slightly revised project which reduces impacts on both neighboring properties and the state historic site. Basically, and I will go into it a little bit more in a moment, but the option would be to push the building back and down slope particularly to maintain existing vegetation, vegetation between the building and both Forge Hill Road and Route 94. So that's one option, go with an EIS, we have hearings that require scoping, we have hearings and ultimately the board would prepare findings. The other option would be for potentially for the applicant to prepare revised plans which reduce impacts, help you address issues and to submit those plans to the board with the hope of convincing the board of a negative, that a negative declaration is appropriate. Now, the important thing there is to provide clear guidance as to or clear direction as to what the applicant should do. And I offer a couple of items in that regard. The first is the applicant should along with town representatives meet with the New York State Office of Parks Recreation and Historic Preservation officials and with the Palisades Interstate Park Commission that still had not happened, you know, you have very capable consultants, Dominic or Mark or yourself, to sit down, get input from those agencies, let the applicant air its concerns about modifications, let the Parks people present their concerns and attempt to come up with a resolution. The second item that I would tell the applicant if I were

running the show is you've got to move that building back, you've got to.

MR. ARGENIO: You hit that already, you said that, I have it in my notes here, push building back.

MR. STEIDLE: Now I'm going to give you some more specifics. I would offer that the building should be at least 100 feet back from Forge Hill Road and from 94 or as an alternative twice the height of the building but I would say 100 foot minimum. The purpose of all this is to maintain existing vegetation, not to plant, artificially plant rows of trees which at best they're going to take years and at worst they're going to look out of place. The thing you want to do is maintain existing vegetation on that site. There's no two ways about it, and maintain along both Route 94 and along Forge Hill Road. And then after you've modified that building, you've pushed the whole thing back, you've modified the site boundaries then you have Steve Esposito come up with an attractive planting plan. Steve is well equipped to do one that's attractive, one that screens where necessary, one that naturalizes the site to help it blend in with the historic corridor. Now those solutions are easy to attain. The applicant is not going to fall over and say I agree with everything but it takes a little bit of work, it takes a little bit of negotiation, it takes some cooperation between two state agencies, the one interstate agency and the state agency, municipal officials and the applicant, the hope is and the desire is that in the end, there's a project, the project that's compatible with New Windsor, compatible with the State Historic site. Undoubtedly, you know, one of the major things of importance in New Windsor and everybody wins but it takes work and it takes some negotiation, it takes some savvy, I hope that the applicant will and I'm sure the applicant will, I've dealt with Steve many times, will cooperate and come up with a project that everyone's satisfied with. Thank you.

MR. ARGENIO: Okay, Bill, thank you. Anybody else? Yes, sir, again, yes, sir? We covered a lot of ground last week, a lot of different subjects, I want to try and focus on additional things, if somebody has anything? Yes, sir?

MR. CALOTTA: Bob Calotta, C-A-L-O-T-T-A, Shaker Court. When you look--

MR. ARGENIO: Mr. Calotta, when you're done speaking, just write it down when you're done.

MR. CALOTTA: Yes.

MR. ARGENIO: It's on there already?

MR. CALOTTA: Yup.

MR. ARGENIO: That's fantastic.

MR. CALOTTA: When you stand at the entrance of Knox Headquarters and you look at the building that's there now it's well set back for whatever reason. But if you turn around and look at this proposal, if it were to be built as indicated would be much more imposing and much more closer and I think that's your point is how unequal that is and how it distracts from the very historic nature of this property. My point to add to this would be the intersection's a busy enough section as it is now.

MR. ARGENIO: Traffic.

MR. CALOTTA: I think it's one of the identified intersections that needs study and needs to be improved because of the number of people and vehicles using the intersection right now. My judgment it's inadequate.

MR. ARGENIO: I'm going to speak to that.

MR. CALOTTA: It's inadequate as it is now, let alone when you put in any kind of apartment complex here. I do believe that people 55 and up do drive their cars on a daily basis, I mean, I know enough of them that they're as busy as any one of us and you just indicated that they're going to be driving less, I can't see that being as true. Even when that intersection is improved I think that's going to add more of a challenge for people using that intersection regardless of their age, it's going to demand a lot more attention because of the need for senior citizens having to use the intersection because I believe the residents, that location has been picked because of one of its attributes it's close to shopping, so to take advantage of that they're going to have to use that intersection and even with upgrades it may even be more of a challenge cause of the widening of the road. The third thing that I noticed when I was looking at your previous project over by 32, it blends in, you know, because of the nature of buildings around it and because of the commercial aspects of that strip it blends in, it doesn't stand out, it doesn't say anything more than the other buildings around it. When I look at your drawings, this is definitely going to stick out and not in a good way, good that it's for senior citizens, unfortunate that it's distracting from the natural beauty in the area and I believe a lot more has to be done to modify that.

MR. ARGENIO: Thank you very much. Thank you. Let me say that at the last public hearing, three people mentioned the traffic, Mr. Calotta was one of them, this is the fourth time we've heard about it. It's a very serious issue and it's something this board is going to consider because it's serious and because it was mentioned so many times and the visual aspect has been mentioned multiple, multiple, multiple times. As I said earlier, I'd like to focus on anything additional that somebody would like to bring to our

attention. Yes, ma'am in the front please? Your name?

MS. SKIGEN: Rachael Skigen, 9 Briarwood Lane, New Windsor. I apologize if this has been brought up before, this is the first I'm hearing about this hearing. I'm a New Windsor resident and my kids go to Cornwall schools so I'm very familiar with Canterbury Green and how it stopped in midair.

MR. ARGENIO: Ma'am, I don't know what that is.

MS. SKIGEN: It's the senior housing that when you enter into town.

MR. ARGENIO: This is not a joke, I don't mean to insult you, I don't know what it is. Would you please tell me what it is?

MS. SKIGEN: Of course, when you enter into the Town of Cornwall in the upper portions of the town where Key Food used to be, where Dunkin Donuts is?

MR. ARGENIO: Is that that strip mall on Quaker there?

MS. SKIGEN: The strip mall at the very tip of that across from the hospital is senior housing that had started and has been sitting vacant for years.

MR. ARGENIO: Got it.

MS. SKIGEN: It's an eyesore, it's been requested of the town to lift the age restriction and they're at or about the time where they'll be lifting that age restriction to populate it for whomever decides to move in there. And the question comes in here if this does go through, how does it affect the town if it's not populated? What's going to happen if in fact I understand that there may be applications now, inquiries to come in, but it would be one thing to get applications, inquiries, it's the second thing to

actually populate it and make something function. What happens if this stalls? Who retains the right to the buildings and what happens?

MR. ARGENIO: Dominic, can you speak to the legal aspects of that?

MR. CORDISCO: I think the difference between the two projects that you're referring to in terms of Canterbury Green that the Canterbury Green project is designed or was approved for units that actually were, would be built and then sold so that the occupants of the units would actually own their own units and with the collapse of the market there has been no buyers or no ability to have buyers that actually meet the financing requirements to purchase those units. Mr. Mandelbaum's project is a rental project, he's going to build it, he's going to own it and he's going to rent out those units to seniors.

MR. ARGENIO: So at the end of the day, he has a financial eye in keeping this thing occupied.

MR. CORDISCO: Correct, and it would only be approved for senior use.

MS. SKIGEN: That's understood but in the event that it's not populated, what would happen? There are buildings that go up as rentals that remain vacant, I understand there, if there's a Section 8, there's a guaranteed funding, if there are options on the financing and the building that comes with senior housing, that's also a form of guarantee but if the population is not there it remains vacant.

MR. ARGENIO: Can you address that?

MR. ESPOSITO: First of all, I was involved with both projects, one in Cornwall and this one. And many of Jonah's projects including out in Orange County as

Dominic said that was a, what we called a transit, was an active adult community, it's not an affordable senior project, completely different animals. That project relied on transitional housing, market transition people that were 55, 56, 57, kids are in college, wanting to scale down, move in this transitional housing type, have the amendments and ultimately 70 when they decide to retire they sell this and they move to Miami. There you have it. September, 2008 came around, that market completely disappeared, that's why it's sitting there. This is a completely different animal. Jonah has been successful in developing these projects, it's affordable housing, it's rental and it's built through a series of tax credits, either state or federal, and he has a waiting list, how long?

MR. MANDELBAUM: I have a three year waiting list on every project and this project we have 148 people on the waiting list in New Windsor.

MR. ESPOSITO: And he's said to the community you look at the demographics in Orange County, we're getting older and it's been identified by Orange County Planning, Dutchess County Planning, Ulster County Planning Department there's a need for this type of housing in our region.

MR. ARGENIO: That was a very well thought-out question, I commend you for that.

MS. SKIGEN: I still want to know what happens?

MR. ARGENIO: It's certainly a possibility but as I said, it was a very good question. Somebody else? Go ahead, sir, your name?

MR. QUINN: Frank Quinn, 3 Custard Court, New Windsor. Good evening and I apologize I was not at the previous meeting so if any of my remarks come forward just want

to make that mention to the board. First off, let me start off by saying I'm a 25 year resident of New Windsor, I reside in the Butterhill development and let me start off by saying that I have always been very happy and considered myself very fortunate living in New Windsor. I have always admired the surroundings, the atmosphere and the layout of the town and the natural beauty thereabouts. And my concern comes about as far as Butterhill as to what surrounds the development. On one end of the development, we have the sewer treatment plant and the other side where I'm not sure it's north, south, east or west but on the other side we have a defunct paper mill that's in total ruins, it's getting more dilapidated by the day and probably so very dangerous in the current situation. On the other side of the development we have several garden apartments that I know provide adequate housing for a lot of residents that are also rentals. Just recently, there was another rental senior citizens complex or 55 or older built behind the Vails Gate Fire Department, I guess right adjacent to the Rite-Aid of which I understand there's still vacancy in that location.

MR. ARGENIO: Jonah?

MR. MANDELBAUM: I don't know where you heard that, we have a waiting list.

MR. QUINN: I understand there's still availability.

MR. ARGENIO: Let's not debate.

MR. QUINN: So now we're talking about directly diagonal to that location proposed another complex for a building of the same type that's going to house I assume 80 single bedroom units, is that correct?

MR. ARGENIO: I'm not sure what the number is.

MR. VAN LEEUWEN: Eighty-five.

MR. MANDELBAUM: Eighty-four units all one bedrooms.

MR. QUINN: So there are 84 units directly diagonal to something that's already been built, it sits there now and right on the historic corner we're looking at putting another similar type project in place. So I guess my question to the board is what is the reason, I mean, aside from traffic which we have already agreed that's a potential problem on this corner, we have the issue of water, there's issues with water, water with the town, this summer we had issues again with water capability, I know we were connected back to Brown's Pond where the water in my home was absolutely horrendous to the point where some cases you couldn't even take a shower. Now we're talking about another type of this facility with potentially 80 units and I'm just again wondering I'm asking the board what's the reasoning to put something like that again in the historic corridor?

MR. ARGENIO: Okay, do you have another question?

MR. QUINN: Well, I would like to get a reply to my question.

MR. ARGENIO: Oh, yeah, absolutely, but I want to collect all the information and then I will reply. Anybody else want to speak? Accept a motion we close the public hearing.

MR. VAN LEEUWEN: So moved.

MR. BROWN: Second it.

MR. ARGENIO: Motion has been made and seconded that we close the public hearing on Amber Grove Senior Site Plan. Roll call.

ROLL CALL

MR. FERGUSON	AYE
MR. BROWN	AYE
MR. GALLAGHER	AYE
MR. VAN LEEUWEN	AYE
MR. ARGENIO	AYE

MR. ARGENIO: I'm going to say a couple of things first I want to answer the question that the gentleman just stated. I don't know about hearsay or what people say who live in the current senior housing complex, whether they say it's full or not full, I can't, I don't know about that and I cannot speak to that, I can tell you that there's a guy out there who wants to develop this thing cause he feels there's a market for it, he's going to get some public funding and he's probably going to put a bunch of his own money up and he's going to take a risk in this crummy economy to put this thing up. He says he has a waiting list. I don't know if he does or he doesn't but I certainly would believe logic would tell me if he didn't have a waiting list and think he could fill it he wouldn't be making the investment, I would think, that's just me applying some common sense to it. I want to say that there was a lot of comments this evening and at the last meeting there's a lot of good commentary, very good commentary, some of it was redundant and it happens and that's okay but I want to say a few things and I have done a lot of research over the past week, I've collected some information, I want to say some things and I want the other members I want to share this information for the benefit of the other members then we're going to talk about some things. As I said, some of the items stated were not really incredibly relevant to the application but public hearings are public hearings and we're here to gather information. In some instances, there was a little bit of grandstanding going on again which is okay, it is what it is, it's a public hearing and that's gonna happen. I want to just briefly hit the

car crash information. I have in my hand accident reports that I got from the police department at the intersection of 94 and Forge Hill Road because no, if fewer than three people mentioned it at the last public hearing. Mr. Calotta mentioned it this evening and it's a point of concern so it's something that this board should be concerned with because the people living there are concerned with it. So I did a little leg work on that and of those accidents in 2010 there was four accidents at that intersection, two of which were rear end, two of which were it's indeterminate, they don't say exactly what caused it, in 2009, there were five incursions vehicle to vehicle at that intersection, that's Forge Hill and 94, again, two of which were rear ends, same thing and the other three they don't specifically say exactly, the accident report does not specifically say exactly who was at fault and precisely how the accident occurred. And in 2008, there were nine crashes, three of which were rear ends, one was a T-bone which is of concern, what's when the front end of a car hits the side of another car, one was somebody hitting a deer and the other four same thing I can't really determine exactly how it happened, definitively to make a statement here in the presence of this, the stenographer and in front of you kind folks. And what I did as well was I called a couple of members of the PD, high ranking members of the police department and I told them what I found and I had done the research and I was assisted by some member from the supervisor's office and I said look, this is what I have, these are the quantity of accidents I have, you are familiar with this intersection, it seem like a lot, I mean, is it dangerous? Do you guys go to a lot of crashes there? Is there a lot of issues? And the response I got from both policemen was no, no, there's, we have issues there but nothing of any tremendous consequence. What's of more concern is the corridor on 300 in the vicinity of Blockbuster Video and they specifically mentioned Blockbuster, the area around Price Chopper and 94, the area going west. Mark,

you're getting all of this, the area going west towards Schlesinger's so I don't want to get hung up on that but warrants us looking at it and considering it because it was mentioned and it was mentioned three times, one time last week or two weeks ago. Handicapped stalls were mentioned by our friend Leo who certainly comes to planning board meetings, him and his wife, briefly I want to go to Jennifer and Mark and I want to say that we have a senior site over near Rite-Aid as the folks had mentioned. Is there an issue, Jen, do you get calls at the building department from member people who don't have a place to park? Cause certainly for Mr. Mandelbaum to install more handicapped stalls I'm sure it's not an issue but we want to get it right is my goal at the end of the day. And Mark, do you have any other thoughts from other municipalities that you may work with or represent about the quantity of handicapped stalls? Jennifer, I'll go to you first.

MS. GALLAGHER: No, we have not received any calls about handicapped spots, no.

MR. ARGENIO: Mark?

MR. EDSALL: The number of spaces is prescribed in the state law and every project is different, some projects have assigned parking, some don't. The difficulty in what I could term as over handicapping a site is that now you restrict persons who maybe don't have a handicapped tag or don't want to use it, unless they really have a physical ailment that may be not continuous, you tend to have spaces that can't be used because they're restricted. And if you overrestrict now you start to burden the non-handicapped spaces. So it's a balance. Right now, they're meeting the code and the management of the site if they ran into a problem and they built special units in a particular area, they could always add, there is no penalty in adding handicapped spaces.

MR. ARGENIO: We'll leave it at that. Leo, I appreciate your commentary, seems to be working, it's not working. At some point in time we certainly will adjust it. One person commented about the lighting and I think that we hit that, we may have hit it rather quickly. Mark, we need to make sure we look closely at the lighting on this site, we need to lower the poles and possibly put more of them to achieve the same level of lighting.

MR. EDSALL: That's on my hit list.

MR. ARGENIO: Sidewalk was mentioned two times at the last meeting and we need to consider that as well. I will say to you, Mr. Esposito, and Mark, please take note, you need to look closely at the spirit of this senior citizen zone that the town has created because the town has identified a need for senior citizen housing is such that there needs to be a walking path. So I want to make sure that you take a close look and Mark will look as well that the walking path from this to services is good. We may want to consider pedestrian poles at 94, somebody's made a joke about seniors not being good drivers last two weeks ago and that may or may not be true, I don't know. My mom's a senior citizen, she seems to be pretty good driver. Leo Braun seems to negotiate his way out of the parking lot every two weeks without a problem. But seniors move a bit slower than a person of greater youth 17 or 18 years old so we need, we may want to look at pedestrian poles, pedestrian poles on 94. That said, I want to direct at Dominic a comment was made two weeks ago and I'm going to read the comment, the State Environmental Quality Review Act was passed in the '70s, it is looked at by many land use planners as the most significant environmental legislation passed this century. Unfortunately, New Windsor has never benefited from that law, I'm reading from the minutes, Dominic, am I missing something?

MR. CORDISCO: Well--

MR. ARGENIO: Don't we consider SEQRA, I mean are we doing it wrong or can you help me?

MR. CORDISCO: Yeah, I can talk on that particular issue, I mean, certainly the board acknowledges its obligations under SEQRA, the board conducts its environmental review as part of every application that it is required to do so. SEQRA has been written to give the lead agency which is often the planning board actually in almost all circumstances it is the planning board as lead agency it's written to give the lead agency a great deal of discretion to evaluate a potential significant environmental impact and to consider what if anything to do as a response to those. And since it's lead agency it's an important point when you get comments like you did from the Palisades Interstate Park Commission and from the State Historic Preservation Office that they believe that there's a significant adverse impact to the Knox Headquarters facilities that's their opinion and they're entitled to express their opinion. But it's this board that has to make a decision as to whether or not you're going to require a Full Environmental Impact Statement to evaluate those impacts or not and we can get into that in a moment. But as far as this board's concerned, I mean, this board has in the past required all impact statements, I have practiced before some boards where they have never required an environmental impact statement. And then this board in connection with Patriot Ridge required a Supplemental Environmental Impact Statement because even though it had been done once it had grown old and potentially stale and was required to be updated before that project was further considered.

MR. ARGENIO: So we do benefit from SEQRA and we're doing it correctly I guess is my question at end of the

day.

MR. CORDISCO: That's correct.

MR. ARGENIO: Okay, two final comments and they're going to be brief, I commend The Sentinel in that and Mark the reporter is here from The Sentinel, they had a misprint or call it whatever you want, I don't want to get into semantics, they put something in there that was not entirely as correct as it should have been and they immediately at the next edition printed a retraction and a correction and they zealously worked towards getting to the bottom of it, it was a simple oversight, they stepped up and they did what they needed to do. Unfortunately, I cannot say that for every paper. I just want to hit this quickly and I'm going to read from the Mid Hudson times, Steidle also urged the board, that's Bill of Bill Steidle's Tree Farm fame, also urged the board to require a State Environmental Quality Review a recommendation that was later reiterated, he said tree plantings and moving the building back five feet do not overcome negative impacts. It's just not the way a municipality of this size should proceed he said of the lack of a review. Well, that's not what Bill said, I'm going to read what Bill said. The board should have a planner. To operate without a planner in the 21st century is horrible, it's just not the way that a municipality of this size should proceed. That's what Bill said. It is what it is, it's black and white. I have one final comment and then I want to turn it over to the board. I want to turn it over to the board members for discussion because we need to talk about that a little bit because as I said earlier, there's a lot of great points that were brought up over the past, this meeting and the brief one and we have a lot to talk about up here, not all of it tonight cause there's other applicants, but we have a lot to talk about. We listened, this board listened as Dominic mentioned this board, this a group of people required Patriot Ridge

RPA to do the Supplemental E.I.S. not to placate the neighbor but because we thought it was a necessary part of the process. We decided that this board decided that a woman stood here last week and she, I don't remember her name, she was fairly polite but she wanted to quiz me and it's not my decision, it's this board's decision, it's the people to the right and the people to the left of me that make this decision. I think we should consider this for this application based on what I'm hearing over the past couple of meetings, I think we should consider it. I don't think we should be considering this shotgun effect but I think as I said earlier I announced the amount of times different things had been mentioned during the public hearing and I think we should narrow the scope, narrow the scope to be fair to this applicant who's meeting a need in our town, a need the Town Board has already identified. We should narrow the scope to what's pertinent, we can talk about it, it certainly involves the visual aspect may involve a couple other things. But that's what I think. Now that said, I want to go to Mark and I want to go to Dominic and have you guys speak to it a bit and then I want you guys cause we're a board, we're a, we sit, it's not the Jerry Argenio Show, so please speak Mark or Dominic, give us your thoughts on this and we're not going to solve the problems of the world tonight but let's talk about it.

MR. EDSALL: Well, you spoke about the concerns and the the potential impacts as I listed them from my review of the prior comments and my review, I see the issues that have been raised as the visual impacts, the impact on the historical zone, the corridor of traffic, potential traffic impacts, water and sewer have been mentioned, I didn't think it's a major issue that can't be addressed but should be considered, lighting, although it's only a plan review it's an item it can be very easily considered.

MR. ARGENIO: That goes with visual, does it not?

MR. EDSALL: Yes, a subset of visual and then just and I think it's important and I think you gave appropriate attention to it the pedestrian routes as part of the traffic because one of key elements why the totally affordable is targeted toward these areas that he anticipates that there wouldn't be as many trip generations, traffic trips because you have available walking routes. And I think it's important that we enhance those so that they can truly be used so I would add even pedestrian routes and sidewalks as a subset to traffic. But to be honest, Mr. Chairman, those are the items that I have extracted from the discussion that seem to need consideration.

MR. ARGENIO: Dominic, the need for an E.I.S.?

MR. CORDISCO: I'll try to be succinct, Mr. Chairman, as I can, I lecture on this particular topic to the Municipal Planning Federation and to the State Planning Federation and I also put my wife to sleep when she has trouble falling asleep.

MR. ARGENIO: By lecturing about this type of subject?

MR. CORDISCO: Yes. But in any event, I think it would be important to provide a very quick overview of SEQRA as far as it has three really general concepts that have to be considered. And the first is that the board has an obligation to identify the relevant areas of environmental impact. Mr. Edsall I think just summarized those for you because you've heard from Palisades, you've heard from State Parks and more importantly, you've heard from the public.

MR. ARGENIO: Again, with no ambiguity from those agencies and much acuity.

MR. CORDISCO: So you have identified those relevant areas in the grand scheme of things. The second

requirement of SEQRA is that you have to take a hard look at those impacts and that's what you're on the verge of deciding what to do. Now, a hard look could be evaluating the plans to the extent that they're right now deciding that there are no significant impacts, but if you decide that there are the potential for significant impacts, then you must require the preparation of an environmental impact statement. Now, this, if I can project because of its proximity to Knox Headquarters is a Type I action under SEQRA and as a Type I action, it is more likely than not to require preparation of an environmental impact statement because it's presumed that it may have the potential for significant adverse impact. And so to come to a conclusion where you do not require one, you have to have plenty of reasons. That brings me to the last part of SEQRA, whatever you decide to have a reasoned deliberation for your decision so at this point to conclude that the project as presented and the information that you have before you safely protects the environment would likely be premature and would be subject to challenge, legal challenge.

MR. ARGENIO: Especially after all the information and input we have received over the past two meetings.

MR. CORDISCO: So the board I think has to decide whether or not to require a preparation of an Environmental Impact Statement for this project.

MR. ARGENIO: I don't see it going any other way. Danny, I'm going to go in no particular order, Danny, can you just give me your thoughts on this and then I'll ask you, Henry?

MR. GALLAGHER: I think the Type I, being it's a Type I action kind of triggers a little bit more that we should have it I think.

MR. ARGENIO: Yeah, there's a lot going on here, there

is, Henry, do you have any particular thoughts?

MR. VAN LEEUWEN: No, I'm satisfied with it just the way it is.

MR. ARGENIO: I'm speaking relative to the need for the EIS given what we have heard from the folks over the past couple of meetings and the fact that to not endeavoring to go down that road certainly may open up the town to exposure and may subject the applicant to possible overturn of his approval at some point.

MR. VAN LEEUWEN: I think we can handle the situation as is, we always have, and I think we can do it in this case too, that's all I have to say.

MR. ARGENIO: Harry and Howard, relative to the EIS and the need for an E.I.S. what are you guys' thoughts on it?

MR. BROWN: My opinion we should have one, I think it would be beneficial and clear conscience going down the path of approval.

MR. FERGUSON: Same, I concur with Danny also.

MR. ARGENIO: Yeah, as much as I like to how should I phrase this, as much as I like to see things move along and I love to see the evolution of our town and it changes, you know, it changes for the good, some changes are not long run, end up benefiting everybody, but some in retrospect at a later date we find ourselves saying what the heck were we thinking at that time, you try to avoid those, you try not to have that happen. I think we need to proceed with caution, Jonah, and the benefit, for the benefit of the applicant and for the benefit of the town and yes, you can speak.

MR. ESPOSITO: Mr. Chairman, if I could, a couple

things. One is I agree with Dominic and I formally do, and Bill brought out a couple good points tonight, I think before we ask, before the board makes a decision on whether it's a positive dec or whether it's something else, the driving force here is besides what we have here we've heard what the public has to say, we also have SHPPO's and Palisades Park's letters, I think those are the experts on the issue of potential impact to a cultural and historic resource. Those letters were written on old plans, they haven't been written on new plans, they haven't seen any of the visual things that we have prepared and you have also asked us and I do need to let you know that you asked us to prepare a visual assessment or actually a photo assessment of the building from the access which was identified as the key point in the Palisades letter, what visitors would see coming and going from that resource if the building were built and we're in the process of doing it. We had to get some field measurements, do some additional photography, we're in the process of constructing that. What we'd like to offer and again Bill threw out a couple good ideas which we need to look at in terms of building location, we'd need to look at the possibility of additional landscaping and other mitigating measures. But I think that one view is also critical into evaluating the potential environmental impact to that cultural resource and I think we need to resubmit those documents to SHPPO and Palisades and as Bill said, we need to have the ability with town consultants to sit down with them and review those because those are the people that really regulate those resources. Hank said it could be a local decision but at least be a decision that ultimately once this board makes it that it's on firm foundation and we're going to obviously need the support from those agencies. So I think before we would request that, we have an opportunity to at least sit down with them, we can't arrange that, you have to arrange that, SHPPO has since 2007 their new policy is that we can't contact them, we can, I can call them and ask them questions but they're

not going to review our documents. They will not set a meeting with us. You're the lead agency in this action, you're the one that has to forward that information to them and request a meeting which we would like to attend to roll up our sleeves and go through this so--

MR. ARGENIO: Seems to me that, seems to me that the letters from SHPPO and I can certainly have her dig them out, go back a bit and there's been, what do you have?

MR. ESPOSITO: They're back from May most recent letters.

MR. ARGENIO: Back from May.

MR. VAN LEEUWEN: We don't have to make a decision tonight.

MR. ARGENIO: We don't have to do anything tonight.

MR. ESPOSITO: What we're requesting we have here the public, we have Mark's letter, we would like to have an opportunity to respond to what we've heard, consider some additional mitigating measures and to complete the photosimulation which will evaluate that view from the access point.

MR. ESPOSITO: And meet with SHPPO.

MR. ARGENIO: Dominic, what are your thoughts on that commentary? I have to tell you, in my mind, the biggest thing here the 99th percentile of this whole thing is the history corridor issue and the parks and recreation people, that's the 99th percent of this whole thing, that's the sum and substance of the whole thing.

MR. CORDISCO: I have mixed feelings about it, Mr.

Chairman.

MR. ARGENIO: That's the reality of it if the applicant--

MR. CORDISCO: Like I said, I have mixed feelings about it. I understand that from an applicant's perspective that they're trying to satisfy SHPPO and Palisades.

MR. ARGENIO: Let me interrupt you for one second cause I just had a thought, if we had a letter in this file from the historic people who are in charge of Knox Headquarters and they said the project is great, these guys have done a fantastic job mitigating their impact, it's great, it's fantastic, we'd be having a very different discussion, would we not?

MR. CORDISCO: We would but I think it's very rare that they write such letters.

MR. MANDELBAUM: Give us the opportunity to talk to them, let's see what they do.

MR. CORDISCO: Well, I think, listen, the board doesn't have to rush to judgment.

MR. VAN LEEUWEN: That's right.

MR. CORDISCO: But, however, on the other hand, you may be delaying the inevitable decision that has to be made.

MR. ARGENIO: Exactly, here's the problem and I apologize for interrupting you, I'm going to do it again, here's the issue, you're right, we don't have to rush to judgment but at the end of the day if you do have to do the Environmental Impact Statement, you could be starting it now, whereas you may be starting it four weeks from now.

MR. CORDISCO: Or several months.

MR. MANDELBAUM: Let me tell you my concern for affordable housing, I don't know how many units that was, if anybody knows how many units.

MR. ARGENIO: Which project?

MR. CORDISCO: Patriot Ridge.

MR. EDSALL: Last phase 126.

MR. MANDELBAUM: Over 100 your units which was a market rent unit which is a typical apartment, I assume it's an apartment, a complex you're talking apples to oranges compared to affordable senior housing traffic and everything else is apples to oranges, you can't compare that project.

MR. ARGENIO: Johan, the problem is, let me finish, the problem is the proximity to Knox's Headquarters, it's an issue, it's a big issue.

MR. CORDISCO: If I may, Mr. Chairman, it's not the only issue, it is perhaps the primary issue but you must bear in mind that the SEQRA regulations require a preparation of an EIS if you have one potential significant impact.

MR. ARGENIO: Just one.

MR. CORDISCO: You don't have to have two, not three, so if you do satisfy the issues regards to the historic corridor but there are still other issues that are out there, it may end up tripping you into an E.I.S. anyway so I think it's your time and I think if the board is wanting to go along with it, but it's a question you have to bear in mind that you may satisfy, you could be very lucky and I think perhaps get a letter from State Parks that says that they are now satisfied, I think

personally and practicing in this area specifically in this area for the last 14 years, I have rarely seen that kind of response and on some very larger high profile projects. That being said, you are of course free to try, I'm not suggesting otherwise, but I think that you are going to spend a great deal of time where the alternative is that this board pos decs this project and conducts an Environmental Impact Statement, bear in mind it's this board at the end of the day that makes its findings and makes its decision. So while you have an opinion from Palisades and you have an opinion from State Parks, it would be this board at end of the day that decides what's appropriate mitigation to protect those resources. So you have to, you have to pick which route you want to go.

MR. ARGENIO: One second, I interrupted Henry, please finish your thought.

MR. VAN LEEUWEN: I think if we postpone any decision tonight and let them see if they can fix it and I think that's only fair, we've done it in the past, I've been here almost 30 years, we've done it in the past and I think there's nothing wrong, he's done a nice project so far and he's, everybody seems to be very, very happy. I've been in it two or three times, I think he deserves a shot of getting it fixed and he knows where he's standing, either he's two weeks behind or whatever, he knows this. Am I right?

MR. MANDELBAUM: You're right.

MR. ARGENIO: Go ahead, you were going to say something?

MR. VAN LEEUWEN: Let him make the decision.

MR. MANDELBAUM: Let me tell you my concern about pos dec.

MR. ARGENIO: If I can just, I'm sorry for interrupting, but one thought I wanted to add to that Henry is there's a layout there and the law is the law and we cannot change that and the reality of the law is that as Dominic said if there's one concern, one concern by law we're obligated to pos dec this thing. Have I misspoke?

MR. CORDISCO: No, that's absolutely correct.

MR. ARGENIO: Go ahead.

MR. MANDELBAUM: I think we can mitigate anything that the public brought up, that's the way I see it. As far as SHPPO I think we can with your help if we can make an appointment we'd be happy to go see them, see what they say, if they say no, then it's no, then we know where we're going. If they give you the letter of satisfaction then you know that we mitigated what their concerns were which I feel also is the biggest issue here as far as the traffic and the accidents, somebody rear ended somebody.

MR. ARGENIO: I don't think that's a big issue, quite frankly, it's up to everybody but I don't, I mean, that's why I did the research cause I wanted to know.

MR. MANDELBAUM: I think everything else I think we can mitigate to the satisfaction of the planning board. My concern--

MR. ARGENIO: Not the planning board, State Office of Historic Parks and Recreation.

MR. MANDELBAUM: But you're the ultimate decision maker, if we satisfy--

MR. ARGENIO: But Jonah, we don't have the right to break the law.

MR. MANDELBAUM: I understand that, I understand that, I didn't ask you to break the law.

MR. ARGENIO: Steidle's point, his points are pretty good points.

MR. MANDELBAUM: I understand that, so if SHPPO determines that if you get a satisfaction letter from SHPPO his points are based on that SHPPO letter so if we satisfy SHPPO, I think we can, like you said, over 90 percent of the work and we're willing to do that pos dec, it will take us a year away minimum, we all know that and for a project like this I never seen a pos dec for affordable senior housing.

MR. ARGENIO: Did you ever build one next to Knox Headquarters in the Town of New Windsor?

MR. MANDELBAUM: When a gas station came up across the street, did you pos dec the gas station when you gave them approval? It's a gas station.

MR. ARGENIO: That's probably the '30s, Henry was here, I was not.

MR. VAN LEEUWEN: Blame it on me.

MR. MANDELBAUM: You got something there that creates a lot more traffic, a lot more light and a lot more completely different kind of visual than we have, we're trying to mitigate the visual as per your request.

MR. ARGENIO: Most of the things that I annunciated and I did read through the minutes, guys, I mean, I read through them, went through them with a fine tooth comb and I checked how many times this, how many times that and most of it goes back to visual, I mean, with the exception of the car crash thing and the sidewalk most of it goes back to visual. So, I mean, I don't know, you know, I have never been in this unenviable

position, I almost think and Dominic get me back on track if I'm off track, it almost seems as though if the visual can be mitigated and memorialized by the New York State Office of Parks Recreation and Historic Preservation that it's been mitigated and/or improved. I think that would go a long way to giving us guidance, I mean, am I misspeaking here guys?

MR. EDSALL: No, we've just been discussing.

MR. ARGENIO: I think it would, I mean.

MR. EDSALL: The only scenario where the preparation of an EIS would not be required is if the issues of the PIPC and State Historic Preservation both were resolved to the point that both this board and both those agencies say it's great, it's resolved, we have no concern, there are no impacts or the impacts have been mitigated. But secondly, all the other issues that have been enumerated as minor as they may be would have to be on the plans and fully mitigate any potential impact, let me finish, Jerry, before the board would be able to make a decision. Now go ahead.

MR. ARGENIO: I was going to say how is that different than any other application?

MR. EDSALL: I'm just--

MR. ARGENIO: There's issues that come up that we bring up, that Danny brings up, that Henry brings, up, the difference is clear, it's Type I so when you reach the fork in the road, if 100 percent of the issues are not resolved, you have to turn left, EIS, that's what I'm saying, you can't have this occur as a condition of final approval or something in the final plans as you normally do with a set of plans. These have to be totally mitigated when you reach that fork in the road, different story, timing is totally different, same solution possibly but the timing is completely

different. These have all gotta be 100 percent addressed and mitigated and accepted by all the necessary agencies. Mr. Mandelbaum and Mr. Esposito, this burden is not going to fall on the Town of New Windsor or the people of the Town of New Windsor, this is your burden, this is not this board's burden, it's not the Town Board's burden, it's not the attorney's burden, it's not, it's you guys' burden.

MR. ESPOSITO: The only thing we're asking this board is to allow us to respond to what we have heard in public comment, finalize our visual evaluation, package that up, hand it to you and ask you to send that to SHPPO and arrange a meeting for us and your consultants.

MR. CORDISCO: It would have to be SHPPO and Palisades Interstate Park.

MR. ESPOSITO: We'd like to start with SHPPO.

MR. CORDISCO: You should be aware and Mr. Chairman if you'd like that the Palisades Interstate Park wrote an additional letter dated today that reiterated that they have reviewed the submission that you've made regarding visual impacts and they reiterated the prior comments regarding concerns of the project, so what you have at this point is both SHPPO and Palisades identifying as a significant adverse impact, so what you would need for this issue to be alleviated would be for both of them to be satisfied to the extent where they would put in writing that they believe that as a result of changes to the plan there are no significant adverse impacts in regards to the impact on Knox's Headquarters.

MR. ARGENIO: This is an uphill battle. In this file what I'm asking for, I shouldn't say that I think, what I'm proposing to the board members, what I think we're asking for is a letter from these folks with no ambiguity endorsing the project.

MR. MANDELBAUM: Next question if you pos dec and they never give us an okay, where do we go after a year from now?

MR. ARGENIO: I can't answer, like I said to the folks last week in the public hearing, I don't know where we're going to go three weeks from now, three months from now.

MR. CORDISCO: But at the end of the day though this board will conduct an evaluation.

MR. ARGENIO: Exactly, we have done what we're supposed to do and we're free to make our own decision in that event we're free to make our own decision, we have taken the steps we need to take and quite frankly, they can say well, you know, we still don't like the color of the whatever and we can say well, you know what, we feel, this board feels that we have overriding need for space for seniors and that's too bad that you don't like the color of the sidewalks or the siding, we're going to vote for it. At the end of the day, that's what we can do. I'm not saying that will happen but in the event that we do go the other way, Jonah, this is an uphill battle. Do you guys follow? You okay with this?

MR. BROWN: I'm okay with it.

MR. ARGENIO: Dan?

MR. GALLAGHER: I agree, if they don't want to start the E.I.S. now if they don't want to start the process he knows that's going to take a year so maybe what's a couple weeks.

MR. ARGENIO: I don't know, maybe, you know, these, maybe there's improvements that Mr. Esposito feels he can make on these plans that will put many, compel

these people to send letters saying yeah, we feel you've done a great job.

MR. MANDELBAUM: Let us start with SHPPO, set up a meeting and we'll take it from there, I have no problem.

MR. ARGENIO: You okay? Do I need a vote on this? It's a no action?

MR. CORDISCO: At the request of the applicant, we're not taking any action at this time and not making what's called a determination of significance now. Mr. Edsall and I were just talking that if as part of this process there are changes proposed to the plan then I think that the board has to recognize that it reserves the right to have a second public hearing on changes to the plan because what you have at that point would be a significantly or potentially significantly different plan than the one that's in front of you today. It's something that you should have the right to have if you decide to have it.

MR. VAN LEEUWEN: We can always make that decision.

MR. ARGENIO: But do you feel that the issues are going to be substantially different than what we have already heard?

MR. CORDISCO: Not the issues but the details on the plan.

MR. ARGENIO: That's true, you're right.

MR. EDSALL: And again, we're not suggesting that it's a mandate, but you should let the applicant know you reserve that right.

MR. ARGENIO: Okay, I think that's reasonable.

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MR. CORDISCO: Just so everyone's clear.

MR. ARGENIO: Okay.

MR. MANDELBAUM: Thank you.

MR. ARGENIO: That's it, it is what it is. Thank you everybody for being respectful and very good commentary tonight, very good commentary.

REGULAR_ITEMS:

POLYWORKS_(10-19)

MR. ARGENIO: Okay, next on tonight's agenda, it's 8:30 already, Polyworks on Corporate Drive. Somebody here for this? The application proposes an addition on the north side of the existing building. The plan was previously reviewed at the 11 August, 2010 planning board meeting. As you remember, this is a pretty simple application and what did we ask? Sir, can I have your name please for the stenographer?

MR. LOCH: My name is John Loch, an engineer and land surveyor with AFRP Engineering and Land Surveying.

MR. ARGENIO: What did we ask you to do? There was a DEC issue.

MR. LOCH: Briefly, I will review it. There were a couple of significant issues, one you wanted to know what the DEC permitting was with respect to the air discharge, we provided a reference to the permit number. We have provided a copy of the permit.

MR. ARGENIO: Who has that copy of the permit? You have that? Is it okay? Did counsel look at it?

MR. CORDISCO: Yes, sir.

MR. ARGENIO: Is it alright?

MR. CORDISCO: Yes, it is.

MR. ARGENIO: Fantastic, go ahead.

MR. LOCH: Second issue was some concern about the height of the building with respect to whether a variance would be needed, we'd draft up a letter regarding that issue and we have existing

non-conforming conditions, you do have the ability to allow this to occur without a variance essentially I assume.

MR. ARGENIO: Mark, is that accurate?

MR. EDSALL: Yes, we discussed with them that their initial proposal caused a trigger and they have made sure that they're not increasing the non-conformity so they're okay in that regard.

MR. LOCH: Next issue was concern about where to put a garbage dumpster, we provided a location and appropriate construction details for it. The other issues were relatively minor issues from your engineer I understand there's still some concern on but there again, very, very minor.

MR. ARGENIO: Where is that dumpster? I don't see that dumpster.

MR. LOCH: It's--

MR. VAN LEEUWEN: It's not the same map.

MR. ARGENIO: That's a problem, man, you've got a problem.

MR. LOCH: These were submitted to you.

MS. JULIAN: What's the date?

MR. LOCH: Should be 9/03/10 and they should appear on the second sheet.

MR. EDSALL: 9/2 on the second sheet and 8/31 on the first sheet.

MR. VAN LEEUWEN: You're not going to dump anything.

MR. ARGENIO: Cause it's not there.

MR. VAN LEEUWEN: There's no dumpster here.

MR. LOCH: Very briefly, we're proposing a dumpster.

MR. ARGENIO: What happened here? Why don't we have plans? Why don't we have current plans? Does anybody know why we don't have current plans? Do you know?

MS. JULIAN: That's the date it was submitted, September 2nd.

MR. ARGENIO: You don't have any other plans?

MS. JULIAN: No.

MR. ARGENIO: With all due respect, this is a simple application but you can't have one thing and we have something else. And I don't know what you have in the office and I don't know what's being approved or submitted, this is all we have.

MR. VAN LEEUWEN: There's another thing that's got, I've been on this board a long time as you probably heard, but that road never was turned over to the town. Do you have a right-of-way over that?

MR. LOCH: Yes, we do.

MR. ARGENIO: You know what, I don't want to cut you off because I don't know how far we're going to go but this is not the deal.

MR. EDSALL: I want to add to it just as an update for the benefit of Mr. VanLeeuwen and the rest of the board members, as you know, we've got two active applications that propose use of Corporate Drive and the third pending, we have received, the town has received a copy of a letter from counsel representing Ridge Rise one of

the other applications that clarifies who owns Corporate Drive.

MR. ARGENIO: That's fine but I don't know what we're looking at here.

MR. EDSALL: I'm letting Mr. VanLeeuwen know that the ownership that's a multi-family.

MR. ARGENIO: What do you want to do, Dominic? What do you want to do here? I mean, there's nothing to talk about here.

MR. CORDISCO: If there's not enough information for the board.

MR. ARGENIO: This is, sir, this is not a complicated application, I mean, you don't have a lot going on here, we really all need to be on the same page, that's a problem.

MR. VAN LEEUWEN: And we're not.

MR. LOCH: I'm not sure why you don't have the sheet that included the dumpster.

MR. ARGENIO: Okay, look, there's other things going on, I don't want to sort through it right now. What you need to do is you need to talk to here and you guys need to get your stuff together and we need to have the appropriate plans to review because we cannot approve something that you're not going to build. And I promise you, I give you my word you'll be on the next agenda but we all need to be on the same page with all due respect, no pun intended actually. Okay?

MR. LOCH: Yes.

MR. ARGENIO: So let's get squared away and all get the same plans and we can move forward but we're not moving

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forward tonight.

THE GROVE AT NEW WINDSOR (09-22)

MR. ARGENIO: Next on tonight's agenda if I can find it The Grove, K. Hov., I see a handsome man in the front of the room here who's going to represent this. The applicant proposes 70 new zero lot, zero lot line lots on the approved Grove site plan project to establish town homes with related property lots. The plan was previously reviewed at the 15 July, 2009, 24 February 2010, 24 March, 2008 and 28 April, 2010 and 30 June, 2010. Now this is a little, planning board meetings, that's a little misleading in that this is an extension of the previous application where they, the zero lot lines are across the way. And just for the benefit of the board members and anybody in the audience who cares what's happening in the marketplace is that people are having a tough time getting financing and such and a lot of these condo complexes, Dominic, would you follow me on this in case I misstep here, a lot of these condo complexes are going to the zero lot line concept because it makes it easier for the owners, buyers of the units to get the financing. In addition, because of some fancy math, the town benefits from a property tax standpoint more so than we would if it were conventional condos. That said, please go ahead.

MR. DATES: I'm Justin Dates with Maser Consulting. As the chairman said, this was given approval back on June 30 planning board meeting at which time we were subdividing fee simple lots from 22 units in the center of the project area. We have come back to the planning board to get an additional 48 so totaling 70 fee simple lots. These units would be on north side of Hawthorne Way, this is Hudson Valley Avenue as you come up on the right-hand side they're all the same style units called garage under, you pull into the street because they're tucked into the hill and the garage is under, then you have the finished stories above. Also to the north of the the original 22 you have additional garage units along Hawthorne Way, that are proposed to be subdivided

also, this was, the footprint for the units there was a dimensional change that caused, dimensional change in the fee simple lots so we'd like to handle that division at this point.

MR. ARGENIO: I don't understand, elaborate.

MR. DATES: The footprint for the building there's a four unit building, a six unit building, the footprint of the interior units where that common wall is.

MR. ARGENIO: Was it eight inches to the left or eight inches to the right where it should have been?

MR. DATES: The original unit was 24 feet, these are 22.3 feet so where that lot line was cut would not go through the shared common wall so we have edited.

MR. ARGENIO: Eight inches?

MR. DATES: Yes, so we have revised that on this plan as well.

MR. ARGENIO: What's going on on sheet one of one? Where is my pointer? What's going on on the right here?

MR. DATES: This line right here? That's the same.

MR. ARGENIO: No, that property line that disappears then reappears right here.

MR. DATES: This property line is what it creates a lot for the clubhouse, the amenities there, the pool and tennis court.

MR. ARGENIO: What's the dark line sticking into the building?

MR. DATES: Okay, this lot over here?

MR. ARGENIO: Justin, the dark line right there.

MR. DATES: This is one in the same, this lot.

MR. EDSALL: That's the hook that shows the lots are connected so it's not a property line.

MR. ARGENIO: Okay, it's a drafting symbol.

MR. DATES: Got it.

MR. ARGENIO: Thank you, Mark.

MR. EDSALL: Got you covered.

MR. DATES: That was on the previously approved plan that didn't change.

MR. ARGENIO: Mark, what do we need to do?

MR. EDSALL: Short and sweet, they're back because as Justin indicated, they have a proposed revision on the interior lines that were previously approved to match the actual building dimensions. Secondly, they're amending or looking to amend their approval that they received, didn't finish, didn't get the plans stamped, they want to increase up to the 70 they have to have.

MR. ARGENIO: They want to include the lots and units across the street?

MR. EDSALL: They have to have a new public hearing because it's a major subdivision technically so my suggestion is that you on the record reopen SEQRA because you need to look at the total picture.

MR. ARGENIO: No segmentation issue here?

MR. CORDISCO: There's no segmentation issue. There

was also implicit in this application that there was going to be multiple phases and what we're talking about is of course on a previously approved project they could come of course right now and pull building permits for these buildings. It's a question of ownership, that's as the only thing that's changing. The other procedural aspect of this is that if the board is willing to continue processing it at this point part of our prior review was that it was referred to the Town Board and the Town Board granted--

MR. ARGENIO: I was going to ask you what involvement does the Town Board have?

MR. CORDISCO: And the Town Board in my opinion granted PUD approval which paved the way for the subdivision for the lot, that entire lot that you're looking to provide subdivided units on now but of course that's my opinion. And I think that that's clear what the Town Board did but I think as part of processing this application, the board could authorize me to write that to the Town Board and Town Board's counsel so they could confirm that there's no additional Town Board involvement, I don't believe that there is.

MR. ARGENIO: Do you guys have any questions on this to my right, Dan, do you have any on this?

MR. GALLAGHER: Just quickly, aesthetics of the building, they're going to match the other buildings that are presently there?

MR. DATES: That's still under the original state plan approval.

MR. ARGENIO: Same building, same everything.

MR. DATES: If anything needs to be changed we have to come back to the board.

MR. EDSALL: I want to speak to that.

MR. ARGENIO: Speak now.

MR. EDSALL: Obviously, stepwise Dom can write the letter, you need to authorize the public hearing. In discussions with the applicant as part of the tweaking of the building there's a little bit of architectural dimensions, there's been discussions and meetings within Town Hall, myself, Dick McGoey and others with the applicant, we asked them to just affirm that there's a consistency in the architectural, that there's a harmony.

MR. ARGENIO: That's exactly what Danny just said.

MR. GALLAGHER: Not from stone to brick.

MR. EDSALL: But my point is I've suggested to the applicant that there's an art of the public hearing, they may in fact care to share with you the architectural of the new units that the new owner's constructing versus what might be there, that's an option that they have, if they just want to inform you.

MR. CORDISCO: If they do so and if the new architecture is not consistent with what's out there now then I think that--

MR. ARGENIO: It's consistent or it's not, you're not a little bit pregnant here.

MR. CORDISCO: If it's not consistent, it would trigger the need for also site plan amendment so you can change and approve those architectural designs.

MR. ARGENIO: Can you bring--

MR. EDSALL: Let me just finish up. In my discussion with the developer, they indicated that they're

confident that the board will see that it is consistent, see that it is in harmony, that there's not a problem. If that's the case, there's no change, there's a clear record, you've had a chance to look at it. I suggest they bring something to the public hearing.

MR. ARGENIO: Would you bring that hither, please?

MR. DATES: Yes, we'll definitely bring that.

(Whereupon, Mr. VanLeeuwen left the room.)

MR. ARGENIO: I agree.

MR. EDSALL: You'd authorize the public hearing, that's all we can do.

MR. ARGENIO: I'll accept that motion.

MR. GALLAGHER: So moved.

MR. BROWN: Second it.

MR. ARGENIO: Motion has been made and seconded that the planning board authorize public hearing for this K. Hov. subdivision formally known as The Grove. Roll call.

ROLL CALL

MR. FERGUSON	AYE
MR. BROWN	AYE
MR. GALLAGHER	AYE
MR. ARGENIO	AYE

MR. DATES: Is that for the October 13 meeting?

MR. ARGENIO: I don't know what it's for.

MS. JULIAN: No.

MR. ARGENIO: Mark, make sure they get the thing right. Fair enough?

MR. CORDISCO: Mr. Chairman--

MR. ARGENIO: Make sure the dates are right for Mr. Dates. Yes, Dom?

MR. CORDISCO: Two other minor comments, this is just to confirm that I have the authorization to write to the Town Board at the same time.

MR. ARGENIO: Do you agree that he has that right, Howard?

MR. BROWN: Yes.

MR. FERGUSON: Yes.

MR. GALLAGHER: Yes.

MR. ARGENIO: Yes and I agree as well.

MR. CORDISCO: One other minor comment for Mr. Dates is that it might be helpful given this number of buildings are already constructed if on your plan that you would shade them showing which ones are constructed. Right now, they're all the same color except for the ones that are, that you're proposing to subdivide now so there's a lot of units out there. I think it would be helpful so that anyone knows looking at the subdivision plat what's already been built and what's future construction.

MR. DATES: Okay.

MR. ARGENIO: Okay.

BANTA_STEAK_&_STEIN_SITE_PLAN_&_SPECIAL_PERMIT_(10-21)

MR. ARGENIO: Banta's Steak & Stein. Application requests seasonal outdoor seating in the area of the existing gardens. The application was reviewed on a concept basis only. Seasonal outdoor seating. Ma'am? Can I have your name please for the benefit of the stenographer?

MS. CRISPO: Capri Crispo.

MR. ARGENIO: And who are you with?

MS. CRISPO: Banta's Steak & Stein.

MR. ARGENIO: Okay, works for me. Your plan is somewhat difficult to read, I have to be honest with you, but that's okay, that happens. Can you tell us what you want to do?

MS. CRISPO: Where existing gardens are, take the gardens out and put in outside seating.

MR. ARGENIO: Where are the gardens in the front of the building?

MS. CRISPO: Ah-huh, two in the front, one in the rear.

MR. ARGENIO: So at two elevations, A and B and then I have a site plan, correct, yes, above that?

MS. CRISPO: Yes.

MR. ARGENIO: So you want to remove the plantings in the front of the building, is that correct, all the plantings?

MS. CRISPO: Most of them, yeah.

MR. ARGENIO: So this thing here that I have in my hand

which--

MS. CRISPO: They're supposed to be tables. Mark told me to make little tables.

MR. ARGENIO: I've never seen it before at the planning board level but that doesn't mean it's a bad idea. Where do we do this, I mean, what drawings are these for? I prefer that they be drawn in.

MR. EDSALL: I suggested that she do that, that's a basis for laying out her plan, I didn't quite expect you to lay it out but feel free.

MR. ARGENIO: She went way out of her way.

(Whereupon, Mr. Van Leeuwen entered the room.)

MR. ARGENIO: Okay, ma'am, I'm going to be very direct with you. I don't know what you're, I just want to hit a couple of Mark's comments. The plan is a little difficult to read but that's okay, I mean, certainly, do you have Mark's comments? Would you give her a copy Jen, please?

MS. GALLAGHER: Yes.

MR. ARGENIO: Mark, does this have to go to county? We're right on top of Union Avenue.

MR. EDSALL: Ultimately, it does.

MR. ARGENIO: That's the law.

MR. EDSALL: We just need to get the plan in a form the board's happy with for referral.

MR. ARGENIO: Let's take a look at it. You need to give us a couple things here, let me point out Mark's

number 2 there please, if you would, if you could, I think maybe either Mark misspoke or you possibly maybe misunderstood about this, as I said this here in my hand I've done this before and this is a good idea but I think what he meant was to possibly lay the, show the tables how you want to lay them out or about how you want to lay them out. It's certainly not a planning board issue but we'll look at it just to see if, that we can verify that it fits. Number of seasonal seats must be indicated, we need to know how many seats you're putting in there, as well as a total number of seats approved for the interior of the restaurant, barriers and protection of outdoor seating, if they're adjacent to traffic there needs to be some type of separation between the traffic and the seating. Now if I'm familiar with your restaurant, I have not eaten there in quite some time, I think the seating might be elevated above where the cars drive or no?

MS. CRISPO: There's a sidewalk.

MR. ARGENIO: You should show that so we know that there's a barrier between the vehicles and where you want to put the seats. Danny or Howard or Henry or Harry, if you want to chime in, just chime in. I'm working off Mark's comments because for obvious reasons.

MR. GALLAGHER: Does this trigger parking at all as far as extra seats, extra tables?

MR. EDSALL: No, the Planning Board's approach to temporary seasonal seating most recently with the Irish Eyes application is that because it's a limited number of months that you can even think about using it and then it's weather dependent as long as there's a reasonable ratio between the temporary outside seating and the interior seating the planning board has--

MR. ARGENIO: It's a net zero, it's a push.

MR. EDSALL: --to assume anyone that wants to sit outside won't be eating inside so there's no additional parking.

MR. ARGENIO: I live out that way, I've driven passed there a thousand times, I've never seen the parking lot over full, I've never in my life seen it over full. The plan submitted provides a general, a general increase of the area where the temporary outdoor setting is proposed but failed to address the other items noted above. We need to tie that down. As I said, it's difficult, I mean the plan is very difficult to read.

MR. EDSALL: Can I ask a question of the applicant?

MR. ARGENIO: You can ask whatever you want.

MR. EDSALL: I believe I understand the plans to say you're also building a pergola over the outside?

MS. CRISPO: Over the back room.

MR. ARGENIO: I don't see that.

MR. EDSALL: I kind of extracted that from some of the layout drawings. Keep in mind if you attach a pergola to the building that becomes part of the truck structure and we have to look at dimensions to make sure we're not triggering any setback issues.

MR. ARGENIO: Property line offsets distance of the property, where is your pergola going in the back or the front?

MS. CRISPO: In the front of the building but on the back building there's two buildings.

MR. ARGENIO: On the back of the building but in the

front?

MS. CRISPO: Right, I don't think it would be attached to the building because I was still going to leave the one garden in front and bring the pergola up just to keep the sun out.

MR. EDSALL: I don't anticipate any problem but I just wanted to make sure I understood.

MR. ARGENIO: Sure, yeah, we just, yeah, it needs to be clearer, I think. I'm going to tell you what should happen. In my estimation, you should get with Mark, arrange to have a work session with Mark and Mark, if you would be so kind to steer the young lady towards what information is pertinent for the planning board level, that's what we needed, that was the purpose of my comments because it's kind of like a checklist. There's a lot of other information, Area D, 500 square feet, that's not really relevant, we need to get focused on things that are planning board issues and quite frankly, ma'am, this is a very simple application, you shouldn't be dancing here for a long time. You should be able to get through this pretty quickly but let's get the information we need on here to get this moving forward. Let me ask the planning board, public hearing, Banta's Steak & Stein, Johnny D.'s on the left side, Sonic on the right, woods on the side, woods in the back, what do you think?

MR. BROWN: Personally, no.

MR. FERGUSON: I don't think so.

MR. GALLAGHER: No.

MR. VAN LEEUWEN: No public hearing.

MR. ARGENIO: I'll accept a motion that we waive the public hearing.

MR. BROWN: So moved.

MR. VAN LEEUWEN: Second it.

ROLL CALL

MR. FERGUSON	AYE
MR. BROWN	AYE
MR. GALLAGHER	AYE
MR. VAN LEEUWEN	AYE
MR. ARGENIO	AYE

MR. ARGENIO: What else, Mark?

MR. EDSALL: I don't know that you can do anything else at this point.

MR. ARGENIO: Would you do that, reach out for him, let's get that cleaned up and tightened up, get them fuzzy lines off there and get you moved on so you can make steaks and make money and thank you.

MS. CRISPO: Thank you.

NEW_CINGULAR_WIRELESS_(AT&T)_(10-20)

MR. ARGENIO: Last item Cingular Wireless AT&T site plan, 2976 Route 9W. The application proposes a 100 foot monopole cellular tower on the existing motel site. The application was reviewed on a concept basis only. Go ahead, sir, your name for the stenographer, please?

MR. MORANDO: Good evening, my name is Anthony Morando from the law firm of Cuddy & Feder representing AT&T in this application.

MR. ARGENIO: This is a motel?

MR. MORANDO: Yes, currently significant coverage gap exists along Route 9W and Route 94 in that vicinity.

MR. ARGENIO: Please go ahead, sir.

MR. MORANDO: At this point, AT&T is proposing 100 foot monopole tower needed to close the coverage gap. This is the lowest height possible to provide enough space for future co-locations and meet the RF needs at this time. Just by way of background, AT&T is licensed by the FCC. That license requires us to build out of network and provide coverage within the State of New York as well as Orange County. That said, AT&T does not have an existing site to meet the goals so by installing this new monopole which will be for AT&T they will be able to fulfill its this FCC license obligations while also being complying with the spirit and intent of the New Windsor Code. Now just as far as the site goes, as you mentioned, it's the Windsor Motel site, it's currently improved with the existing motel building, parking areas, inground swimming pool as well as existing telecommunications tower.

MR. ARGENIO: I would, just one second please, take a ride passed there, take a look so we can understand.

MR. VAN LEEUWEN: I know where it is.

MR. ARGENIO: Go ahead.

MR. MORANDO: So just to get more into specifics, the monopole will be located behind the existing building as I mentioned it will handle in the future co-location of additional carriers up to three at this point subject to structural determinations later on but after the--

MR. ARGENIO: Just going to be you guys for now but you have the ability to have up to three on?

MR. MORANDO: Designed for three additional carriers.

MR. ARGENIO: Why not five?

MR. MORANDO: Well, at this point based on the technology, my understanding is that it's going to be 100 feet. To fit more, it would have to go up higher.

MR. ARGENIO: You're sure about that? Is that a fact, an exact fact?

MR. MORANDO: As can the additional carrier be co-located?

MR. ARGENIO: Yes.

MR. MORANDO: I can confirm that but I believe at this point that's the anticipation.

MR. ARGENIO: In the spirit of the regulations in the town, we want to plan for co-locations.

MR. MORANDO: Absolutely, so do we.

MR. CORDISCO: On that particular point, if I may jump

in, Mr. Morando just mentioned that there's another existing tower on that site, I presume it's a shorter tower and it's not a cell tower but it has antennas on it as I understand it for private communication.

MR. ARGENIO: Why can't it be extended?

MR. CORDISCO: Or conversely why can't that tower be taken down and its antennas be put on this tower so we have only one tower on site?

MR. ARGENIO: Thank you.

MR. MORANDO: I will address that through I guess getting to the point of just as far as the site goes behind the building is where the monopole will be located. Any additional accessory equipment obviously the cabinets that power the site and used to operate it they'll be located within the existing building which is an attractive issue with this site in that it won't be on the outside. That being said, we'll also be utilizing existing parking areas, existing gravel access to have very minimal impact to the site itself on the site outside. With regards to the town's provision as Dominic just mentioned, so much of three tiered siting lies in that you first look for a co-location opportunity to site on a tower, existing tower or tall structure, we did an executive search and there is none that's viable for this to solve this gap. So you go to the next option which is to site on a monopole on a parcel that has an existing telecommunications tower on it, that's where this site comes in, that's why it meets the code's purpose and intent as Dominic mentioned the possibility of eliminating the existing tower and combining it with ours is something that we can look into.

MR. ARGENIO: The tower should be combined in some fashion or another.

MR. MORANDO: We did have that, that obviously that's up to the tower owner now that's there and open to further discussion with them.

MR. ARGENIO: I can't tell you who, it's not up to me, somebody else needs to figure that out. Mark, who demonstrates need and intent?

MR. EDSALL: Need for the--

MR. ARGENIO: Need and requirement, yes.

MR. EDSALL: That's under my comment 2, they provided an Exhibit H and Anthony has touched on it, they do under Exhibit H and I did take the time to go through it, look at potential other locations and comment on why those other potential locations wouldn't serve their needs for coverage so I was just pointing out that if you do have any questions it would be Exhibit H that you have to inquire on.

MR. ARGENIO: Do you have enough and this is not an insult, I think you know that before, do you have enough experience and such with this Mark where you can effectively interpret that stuff confidently?

MR. EDSALL: I can review it but for the purposes of determining the coverage charts, the coverage tables, I do not have that expertise and in previous cases we have actually discussed a consultant if needed to make those reviews.

MR. VAN LEEUWEN: I think in this case that's what we should do.

MR. ARGENIO: I don't want to interrupt your pitch here, are you, do you have more about this?

MR. MORANDO: I can respond to questions now if you'd like.

MR. ARGENIO: For the benefit of the members just to let you know what's going through my mind this is right in viewshed of Coloni Funeral Home, former Coloni Funeral Home, that's one of the most spectacular views of the river in this town. Now while it doesn't, while that building does not pass muster to be on the state's historical list, it is on the as you can see in comment 4 of Mark's notes it's on the town's list of historical buildings and that's a fantastic view there. So I think in my opinion we have an obligation to the people of this town to do the best we can to preserve this view. Now, as the gentleman said, there's a tower there already that's the genesis of Dominic's point to do something, do some type of exhaustive investigation to determine if they can be combined in some way, shape or form or another.

MR. VAN LEEUWEN: How tall is the existing tower?

MR. MORANDO: It's a lattice tower and it's 60 feet with a 20 foot whip antenna so it's approximately 80 feet to the top.

MR. ARGENIO: You know what I think would be good too Henry and you guys too, I mean, if we could get rid of the lattice tower and have the monopole that's not great but I think it's a step forward, I think at least I think you should--

MR. VAN LEEUWEN: Could it be moved to either end of the site?

MR. MORANDO: The monopole, when I met with Mark, we actually discussed moving it towards the north but to meet the setback requirements it can't be moved beyond but beyond that it's actually the tree line that's there and I drove by the site several times, the tree line that's there is actually to the north of the property, it's actually at an angle that moving it that

far over would be blocked by the tree line.

MR. VAN LEEUWEN: We've got to be careful not to block the view of this house either otherwise we got problems we're not looking for.

MR. MORANDO: Plum Point development we also want to keep it away from the residential development.

MR. ARGENIO: Why don't we put it in Plum Point, Mark?

MR. EDSALL: My suggestion is if you're going to have a photosimulation done I would suggest you get both obviously existing photo which will show the 60 foot tower lattice but also get a 100 foot monopole and 100 foot lattice in the place of the 60 foot because as monopoles are the modern and common installation now one of the benefits of lattice towers is because of the open nature of the structure, you tend to look through them a lot of times and--

MR. ARGENIO: Probably stronger too.

MR. EDSALL: That and you can do with coatings on the antenna, you can also eliminate a lot of the reflective nature, there's things you can do with monopoles but I'd have the applicant do their best shot at those configurations so you have after all the information.

MR. MORANDO: You'd like us to look into a lattice tower?

MR. EDSALL: Just photosim from a visual impact standpoint.

MR. ARGENIO: We want to see the photosimulation of the monopole.

MR. MORANDO: We did do photosimulations prior to the submission of the application, if you wanted to,

they're Exhibit G where you do see both the--

MR. ARGENIO: I don't have it here, just make sure she gets it so she can distribute it.

MR. EDSALL: The point being is that Exhibit G in the comment 3 I note that it did a very good job giving you an understanding of the visual impact from a whole lot of locations other than Coloni's so I'm saying add that one but maybe add just for the Coloni view let's see if there's a perceivable difference between monopole and lattice, I'm not saying do lattice for all of them, Anthony.

MR. ARGENIO: Danny?

MR. MORANDO: We did submit the photosims with the application.

MR. ARGENIO: You said that, I don't have them in my hand.

MS. JULIAN: It's here, he didn't want to look at it.

MR. ARGENIO: No, I want the board members to see them, I don't want to just see them, get them to the board members so at the next meeting they're part of our package and we all can look at it together and discuss them, we're not going anywhere tonight with this.

MR. MORANDO: No possibility of scheduling a public hearing?

MR. ARGENIO: I don't know about that, first of all, I want to ask Danny if he has anything else on this.

MR. GALLAGHER: As far as a public hearing we'd have to see--

MR. ARGENIO: There's going to be a public hearing.

MR. GALLAGHER: We don't know which way we're going as far as lattice or monopole, what are we showing the public?

MR. ARGENIO: Mark, you were going to speak?

MR. EDSALL: What I was going to say the whole purpose of a public hearing is not only for the public to provide input but also for the board to consider all the application information. So if you happen by chance to authorize a public hearing and not set a date it would be triggered by their submittal of all the additional information you've asked for and then you have the public hearing, you have to make a decision after this.

MR. ARGENIO: I don't see it as a big problem only because the application is not inordinately complex, there's only so much you can do with what you're doing, look, there's going to be lot of resistance on this and that's the reality of it.

MR. MORANDO: We understand.

MR. ARGENIO: I'm aware of the new law that was passed, Dominic has apprised me of that, I believe ours to be currently in compliance with that, would you acknowledge that, counselor? You're an engineer or an attorney?

MR. MORANDO: I'm an attorney.

MR. ARGENIO: Would you acknowledge that?

MR. MORANDO: Of the shot clock?

MR. ARGENIO: That we're in compliance with this at this point in time.

MR. MORANDO: Well, if you can just--

MR. ARGENIO: I'm looking for a yes or no.

MR. MORANDO: It's usually not a yes or no. In 20 seconds or less, I mean, what happens for a new tower upon submission of an application a municipality generally has 150 days to review an issue, make a determination on an application for a new tower such as this so to say clock is running but yes, I mean, at this point--

MR. ARGENIO: At this juncture, you acknowledge that we're in compliance with the shot clock law at this juncture at this date on September 29 or whatever it is?

MR. MORANDO: Yes, we're days into it at this point, we're several days.

MR. ARGENIO: We're days into it and we're in compliance.

MR. CORDISCO: But we're not beyond it.

MR. MORANDO: No, we're not beyond the shot clock.

MR. EDSALL: Mr. Chairman, I wouldn't want my comments about a couple missing items to give a perception that we didn't have a complete application. It was a very complete and extensive application, the photosimulations and the viewshed analysis was probably one of the better ones that I saw but we have that one weakness with the Coloni issue I think you've got a very complete application if they just add the couple things you've asked for so I think it's reasonable to authorize a public hearing.

MR. CORDISCO: If I may?

MR. ARGENIO: You may.

MR. CORDISCO: Thank you. On the Coloni issue, it's important as Mark pointed out that this is a building that's been identified on the local historic register and unlike the Amber Grove application when you have I don't want to get into at length but unlike the Amber Grove there's a dealing with an issue with the facility or Knox Headquarters which is on the state and national historic registers which are that in and of itself are triggers but this is not, but this is nevertheless but nevertheless this because it's on the local register it's an issue that the board should be sensitive to and you're certainly within your purview to ask for additional photosimulations.

MR. ARGENIO: Couldn't agree more.

MR. VAN LEEUWEN: I'll make a motion we set a date for the public hearing, make a motion to authorize a public hearing.

MR. GALLAGHER: Second it.

MR. ARGENIO: Motion has been made and seconded that we authorize a public hearing for this application pending you getting your act together and getting that information to Mark that we had discussed earlier.

MR. MORANDO: I was going to ask exactly what.

MR. ARGENIO: Get with him and--

MR. EDSALL: Submit via the planning board office, I think it's a rather short list.

MR. MORANDO: I didn't even get a chance to look at the memo as far as to--

MR. EDSALL: It's really the photosims from Coloni,

from the Coloni site looking out.

MR. MORANDO: It's private property so as far as where on that site we take a picture from.

MR. ARGENIO: The front steps, the front porch.

MR. VAN LEEUWEN: Are you afraid to get shot? Nobody's gonna come out of there.

MR. MORANDO: It's upon permission of the property owner.

MR. EDSALL: If you have issues getting permission contact us.

MR. ARGENIO: Nicole, would you please cc Dominic, remind me that not only the photosims but come back with an answer on the combination of the towers if we can end up with one tower versus two. Counselor, that's very important to us, you're going to get a lot of resistance at the public hearing and that's very important, you should look at that very closely, very closely.

MR. MORANDO: We'll reach out to the other tower owner and discuss it with him.

MR. ARGENIO: Nicole, would you please ensure that when this application comes back next time that each of the members has a packet to look at with the photographs?

MS. JULIAN: Sure.

MR. MORANDO: May I ask a question, may not have an answer but--

MR. VAN LEEUWEN: Why ask it?

MR. MORANDO: I'm taking a shot. Coloni, what's the

historical significance? I was just curious.

MR. VAN LEEUWEN: The house.

MR. ARGENIO: It's a very, very old home.

MR. MORANDO: It's old.

MR. GALLAGHER: 1840s.

MR. EDSALL: It's old and still in wonderful shape.

MR. ARGENIO: What else?

MR. MORANDO: Do we have to send this to county?

MR. CORDISCO: It does have to be referred to the county which he will do, it should go when their re-submission comes in, not now.

MR. ARGENIO: Yes, actually should we be waiting to determine what kind of pole it is before we do that?

MR. EDSALL: To send to it county?

MR. ARGENIO: Yes.

MR. EDSALL: No, I mean, the bottom line the county should be given the opportunity to review the same information that the board has and I think given the fact that the local historic building is an issue we should as soon as that's available ship that over with it because I don't want to see them raise it and we'll just send it again.

MR. ARGENIO: Got it, okay. What else can the board do for you tonight, sir?

MR. MORANDO: Well, no we're good.

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MR. ARGENIO: Thank you.

DISCUSSION

GFT - RHEMA CHRISTIAN WORKSHOP CENTER

MR. EDSALL: Discussion item down at the New Windsor--

MS. GALLAGHER: It's the brand new strip mall.

MR. EDSALL: The site plan the board approved with the solar lighting next to Duffer's.

MR. ARGENIO: Across from St. Joseph's Church.

MR. EDSALL: New Windsor Partners or something to that extent, there are occupancies in the front of the building and there's occupancies that where you ride around to the back and get to a lower level, one of the lower level occupancies and keep in mind they're all approved for retail is an applicant came to the workshop and the building department asking that the GFT Rhema Christian Worship Center be allowed to go in instead of retail. Well first thing we thought about--

MR. ARGENIO: Soprano's social club?

MR. EDSALL: The first thing that we thought of was parking because if you're not making any changes to the exterior, the only issue that's left is the parking and they would be allowed to have 15 people in there based on the code, building code and the parking regulations in lieu of the retail space and as long as they operated within that 15 person limit they're okay with both codes and they're proposing no change to the, to the south side of the building. My recommendation is that you much as Jen may not like it we toss this over to the building department and let them deal with it. There's no outside change.

MR. ARGENIO: Jen, is there an inherent problem with this?

MS. GALLAGHER: No.

MR. ARGENIO: Okay.

MR. VAN LEEUWEN: They're limited to 15 people?

MR. EDSALL: Fifteen people if they go over that they have a parking issue and they're in violation.

MR. ARGENIO: I'm okay with that.

MR. GALLAGHER: Fine.

MR. VAN LEEUWEN: I agree.

MR. ARGENIO: Send it to Jen?

MR. FERGUSON: Yes.

MR. BROWN: Yes.

MR. ARGENIO: It's yours, Jen, sorry.

MS. GALLAGHER: Thank you.

MR. ARGENIO: Motion to adjourn?

MR. VAN LEEUWEN: So moved.

MR. BROWN: Second it.

ROLL CALL

MR. FERGUSON AYE

MR. BROWN AYE

MR. GALLAGHER AYE

MR. VAN LEEUWEN AYE

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MR. ARGENIO

AYE

Respectfully Submitted By:

Frances Roth
Stenographer

